

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

JANE DOE

Plaintiff,

v.

Case No. 1:11 CV 1105

LINDA HOWARD
RUSSELL HOWARD

Defendants.

**MOTION TO STRIKE DEFENDANT'S REQUEST TO DENY ENTRY OF DEFAULT
AGAINST DEFENDANT RUSSELL HOWARD, OR IN THE ALTERNATIVE, FOR
EXPEDITED DISCOVERY ON ISSUES RELATED TO SERVICE OF PROCESS**

Plaintiff, Jane Doe, by counsel, hereby moves this Court to strike the Request to Deny Entry of Default Against Defendant Russell Howard filed by Defendant Linda Howard. Because Linda Howard is not an attorney and is not entitled to represent her husband in federal court, the Request was improperly filed and should be stricken from the record.

In the alternative, Plaintiff hereby moves this Court to order expedited discovery on issues relating to service of process on Defendant Russell Howard and to extend the deadline for Plaintiff to respond to the Request to Deny Entry of Default Against Defendant Russell Howard until after such discovery has been completed.

In support of this motion, Plaintiff respectfully submits the attached Memorandum of Points and Authorities. Wherefore, Plaintiff respectfully requests that the Court:

1. Issue an Order striking from the record the Request to Deny Entry of Default Against Defendant Russell Howard filed by Defendant Linda Howard.

2. If the Court denies Plaintiff's motion to strike, issue an Order (a) permitting Plaintiff to conduct expedited discovery related to service of process on Mr. Howard, and (b) extending the deadline for Plaintiff to respond the Request to Deny Entry of Default Against Defendant Russell Howard until after such discovery has been completed.
3. Grant any other relief that this Court deems necessary and just.

Respectfully submitted,

Dated: February 24, 2012

By: _____/s/ Daniel E. Chudd_____
Daniel E. Chudd (VA Bar No. 65335)
Sarah A. Maguire (VA Bar No. 71232)
Lorelie S. Masters (*Pro Hac Vice*)
Leah J. Tulin (*Pro Hac Vice*)
Maya D. Song (*Pro Hac Vice*)

JENNER & BLOCK LLP
1099 New York Ave., N.W., Suite 900
Washington, D.C. 20001
Phone: 202-639-6000
Fax: 202-639-6066

Counsel for Plaintiff Jane Doe

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2012, a true and correct copy of the foregoing Motion was electronically filed. As such, this notice was served on all parties who are deemed to have consented to electronic service. I also caused to be served by U.S. Mail and electronic mail a copy of the Motion upon the following:

LINDA HOWARD
1028 Walter Reed Dr. Apt. 634
Arlington, VA 22204
howardl@state.gov
russlindy@gmail.com

RUSSELL HOWARD
1028 Walter Reed Dr. Apt. 634
Arlington, VA 22204
jackforhawks@gmail.com
russlindy@gmail.com

____/s/ Daniel E. Chudd_____

Daniel E. Chudd

Counsel for Plaintiff Jane Doe